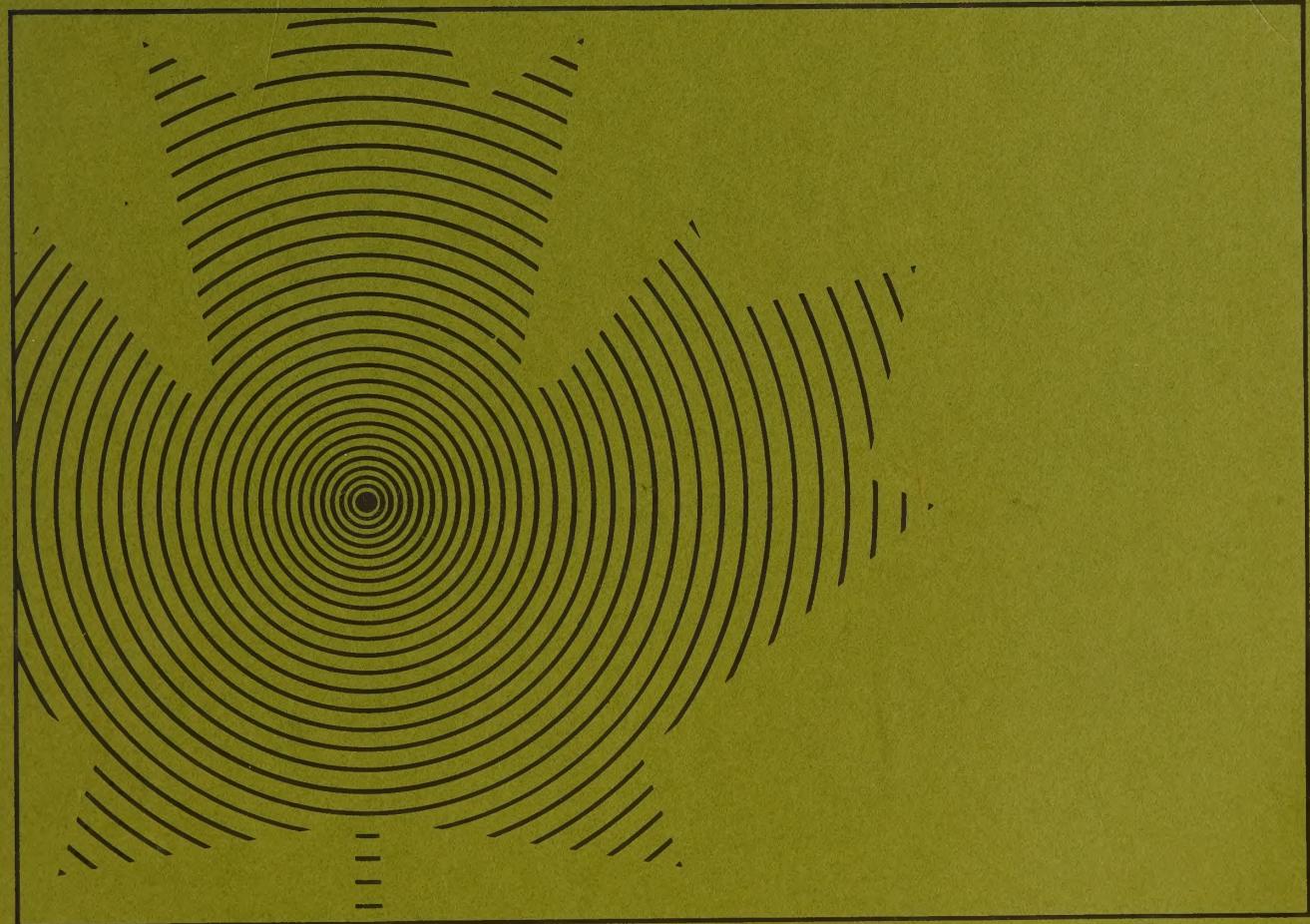


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National urban land policy: A review and recommen-
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Larry R.G. Martin



Ministry of State

Ministère d'État

Urban Affairs
Canada

Affaires urbaines
Canada

National urban land policy: A review and recommendations

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- 75N17

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June 1975

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Abstract

The problem to which this paper is addressed is the allocation of land between conflicting uses and the degree of government intervention in this process that may be desirable.

The concept of a national urban land policy is introduced and the experience of the United Kingdom and the United States is reviewed. The activities of the Government of Canada that have influenced urban land use as a by-product of their principal objectives are examined.

Chapter 3 discusses the elements of a national urban land policy, illustrating how the federal legislative, fiscal and proprietary powers may be co-ordinated as a means of implementing a national policy.

The paper concludes that a national urban land strategy, as a set of carefully co-ordinated and integrated policies is unlikely to emerge from our federal system, but the flexibility of the system in its approach to land problems is a source of hope. A national land act, machinery for federal - provincial co-ordination of its administration and a model provincial structure plan are recommended. The federal government is urged to rehabilitate or replace the poorly functioning urban land market and to take the lead in formulating an effective urban land policy.

Résumé

Le problème auquel se rapporte le présent document concerne l'affectation de terrains dont l'utilisation est matière à conflit, et le degré souhaitable d'intervention du gouvernement dans ce processus.

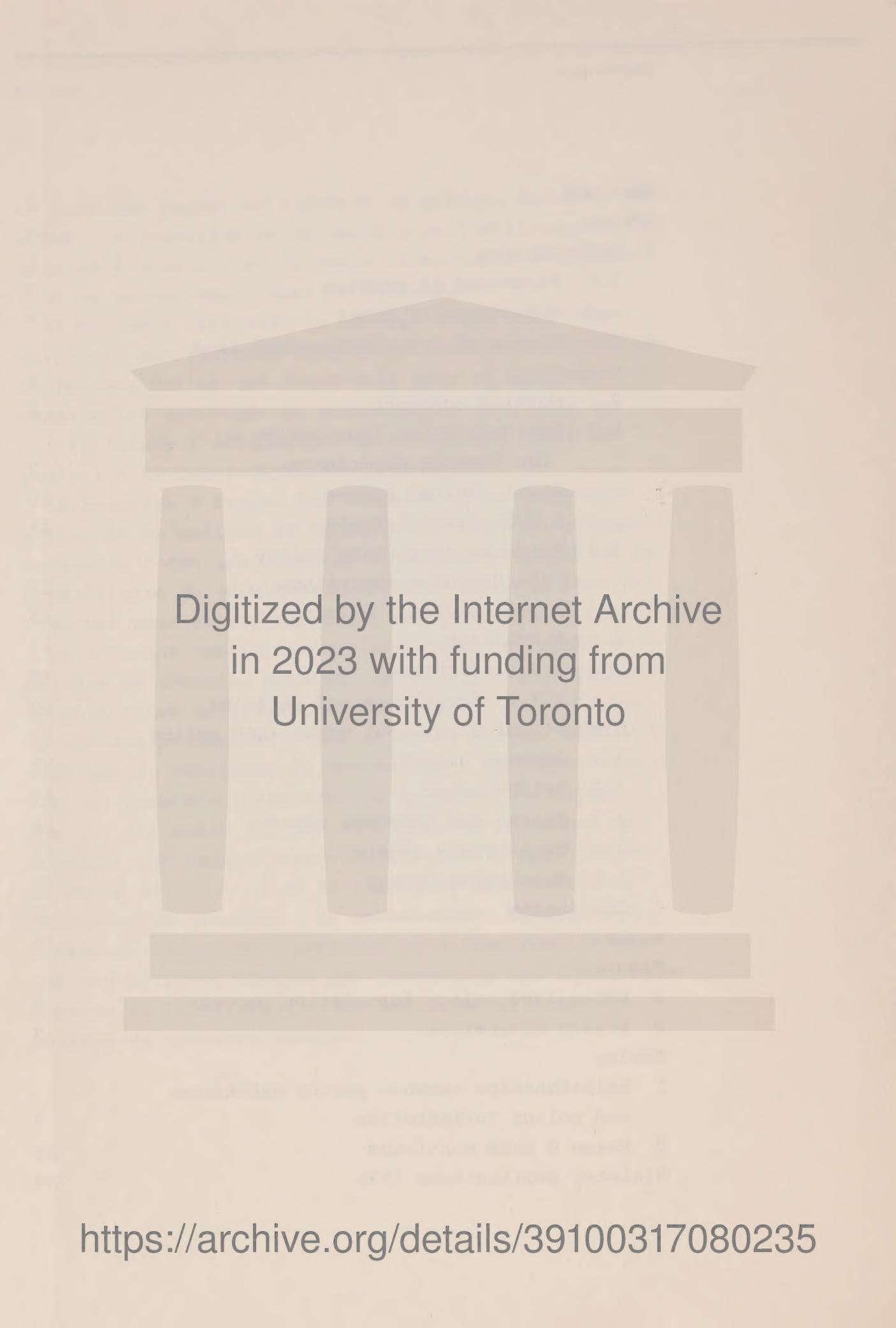
Le document introduit le concept d'une politique nationale des terrains urbains et analyse l'expérience du Royaume-Uni et des Etats-Unis dans ce domaine. Il examine les activités du gouvernement du Canada qui ont influencé l'utilisation du sol urbain, dans la poursuite de leurs objectifs principaux.

Le chapitre 3 traite des éléments d'une politique nationale en matière de terrains urbains, en montrant de quelle façon les pouvoirs législatif, fiscal et de propriétaire du gouvernement fédéral peuvent être coordonnés pour mettre en oeuvre une politique nationale.

Le document conclut qu'une stratégie nationale en matière de terrains urbains, définie par un ensemble de politiques soigneusement coordonnées et intégrées, ne viendra probablement pas de notre système fédéral, mais que la souplesse du système dans sa façon d'aborder les problèmes fonciers est une source d'espoir. Une loi nationale sur les terrains, un mécanisme de coordination fédérale-provinciale pour l'application de cette loi et un plan de structure provinciale modèle sont recommandés. Le gouvernement fédéral est fortement encouragé à assainir ou à remplacer le marché des terrains urbains qui fonctionne mal et à entreprendre la formulation d'une politique efficace en matière de terrains urbains.

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1 Introduction

The "urban problem" in Canada has been generously if not adequately defined in a quickening tide of books, reports, and editorials over the past decade. This problem has been described in a variety of forms to include the high cost of housing, the lengthening journey to work, congestion and physical obsolescence in the urban core, and a spreading social unrest. Perhaps most disconcerting to urban residents has been the apparent pervasive decline in the quality of urban life.

Efforts, by municipal and provincial governments to stem these problems by responding, in an ad hoc fashion, with more money and more government, have not produced the desired results. Government has been unable to respond adequately with policies to urban problems that, while often discriminant in their impact, are highly interdependent and thus complex in their origins. In addition, governments have been hindered in their attempts to come to grips with these complex urban problems because of their inability to divine a preferred future framed by acceptable goals and objectives. With neither adequate problem specification nor acceptable goals government policy toward urban problems has been piecemeal, short range, random and reactive rather than comprehensive, long range directed and initiatory.

It is curious that an integrating denominator for all urban problems - urban land - has received, at best, only subordinate attention in the research and policy deliberations of governments in the last decade. Concerns for shelter, employment, health, education, and transportation have been forcefully presented, yet often isolated from the relationships these concerns share with urban land. Only recently, as a result of the environmental crisis, has the character, location, and intensity of urban land use

become of critical concern for those who attempt to deal with the "urban problem".

1.1 Statement of problem

The failure of government to treat urban land as a valid and serious object of concerted public policy in the past suggests that the significance of urban land, as an important dimension of urban-directed social and economic policies, has not been appreciated. The organization of land within urban centres and the distribution of urban centres throughout the nation together serve as the stage upon which the market allocates scarce resources to competing uses. Thus, the cost of urban land significantly influences the cost of housing and the spatial stratification of families by economic class. Middle income families in search of space abandon the city for the suburbs contributing to urban sprawl. The poor remain locked in an increasingly congested and polluted urban core. The selective segregation of jobs between the urban core and urban fringe results in inefficient and vexing "crazy-quilt" commuting patterns. Public services are strained and sometimes fail under increasing loads. Finally there is no respite as the metropolitan centres are forced to assimilate an increasing lion's share of Canadian population.

Hans Blumenfeld has puckishly suggested that because the market can rationally allocate shoes,¹ it might as well rationally allocate urban land.

Indeed, until recently local and provincial governments have contented themselves with tinkering marginally with the urban land market through the hesitant application of negative and largely ineffective planning tools. To the extent that urban land use decisions have been the outcome of competing market forces, urban land policy can be said to originate in the board rooms of the private sector.

But this view of urban land policy is no longer adequate. Increasingly, government finds itself playing a greater policy role through its expansion of the urban planning function - planning that seeks to further objectives:

- a) prevent land use conflicts
- b) coordinate urban development decisions
- c) encourage the efficient provision of public services and,
- d) further social welfare.

As a result public planning and the market have become competitive mechanisms seeking to achieve sometimes conflicting objectives from the use of urban land.

While cities and provinces are now actively engaged in the formulation of urban land policies, like all urban policies, these tend to be "uncoordinated, often contradictory, essentially random...provided in the wake of strong economic forces which essentially set the agenda for urban growth".² It is the belief of this writer that comprehensive and consistent urban land policy integrated among levels of government is a pre-condition to the solution of urban land problems, whether viewed from a local or a more distant vantage point. In this paper we will examine the problem of an urban land policy within the national context.

1.2 Objectives of paper

As stated in the terms of reference for this Report the three objectives are to:

- a) examine the nature of a national urban land policy;
- b) investigate possible roles for the Federal Government in a national urban land policy;
- c) explore the issues raised by the Ministry in their position paper, "Policy on Urban Land".

In Part II the emerging concept of a national urban land policy is reviewed. First, the concept is defined, then its recent foreign and domestic application is examined. The difficulty in shifting from conceptual terms to practical applications will be made quite evident in this section.

The elements of a national urban land policy for Canada are investigated in Part III. Policy elements are placed in the very broad context of five implementation powers. These include policy, fiscal and monetary, proprietary, persuasive, and general powers. Recommended policy elements are meant to be suggestive rather than exhaustive and there is no attempt at this point to recommend an overall national urban land strategy or the proper federal role in this strategy.

In the Conclusion the writer summarizes his findings and observations.

2 The concept of a national urban land policy

There is no consensus on the nature and purview of national urban land policy. Not only is the subject substantively complex but it offers ample opportunity for philosophical debate. The inherent complexity of urban policy making in Canada has been adequately documented.³ In fact a special issue of one Canadian journal concluded that there is not, nor is there likely to be, a national urban policy for Canada in the foreseeable future.⁴ One can assume that land policy as a component of urban policy would be no less difficult to obtain. Philosophical differences among policy makers over the appropriate scope of the public sector and the proper roles of the three levels of government in establishing urban land policy promise to add liveliness to the debate.

2.1 Working concepts

Imprecision of language has contributed significantly to confusion arising from discussion of national urban policy. In order to avoid adding to this problem in the subsequent discussion of land policy it is helpful to review briefly terms and concepts employed here.

Goals and objectives are ends to which governments aspire. Goals carry general and imprecise meanings while objectives are more specific and capable of quantification and therefore demonstrable achievement. Policies are means whereby ends are achieved. They may be specific or general. When policies are deliberately integrated and coordinated and are mutually reinforcing they are called strategies. By definition strategies are broader in scope than individual policies. Programs and projects are more specific manifestations of policies.

The process of formulating urban land policy consists of identifying problems, establishing goals and objectives, developing strategies and policies, implementing these strategies and policies. The process is diagrammed in Figure 1. We have indicated before that land policy formulation is substantively complex. Figure 1 suggests that it is procedurally complex as well.

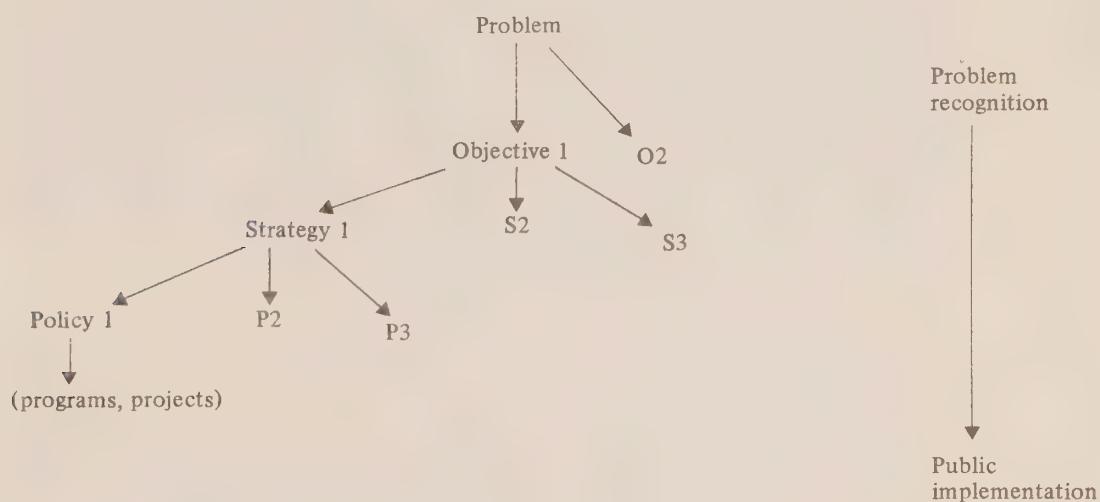


Figure 1 Urban land policy formulation process

An examination of the substantive and jurisdictional dimensions of national urban land policy, as depicted in Table 1, reveals important hierachial characteristics. National economic policy is chiefly concerned with the cyclical control of the domestic economy. Control is applied through fiscal and monetary policies. While avowedly aspatial such devices as tax credits, public works, variations in money supply and discount rate all have significant spatial impacts and contribute to implicit federal urban land policy. Sectoral policies for agriculture, national defense and immigration can be viewed in the same light.

Other substantive policies influencing urban land

are spatial or territorial in their impact. Concerned with redistribution of resources between core and peripheral areas, regional development policy holds tremendous importance for urban land use. As a proper component of regional development policy, urban growth policy is concerned with problems of size, growth, and decline for the national system of cities. Urban land policy is an appropriate concern for national economic policy, regional development policy, and urban growth policy as well as a proper area of concern in its own right.

Table 1 Relationships between policy substance and policy jurisdiction

		Policy substance			
		National economic policy	Regional development policy	Urban growth policy	Urban land policy
National	Policy jurisdiction				
	Federal	**	**	**	**
	Provincial	-	*	*	**
	Local	-	-	-	**

Level of involvement: high **; moderate *, negligible -

The federal jurisdiction maintains a high level of involvement in all four policy areas while all three jurisdictions maintains a high level of involvement in the urban land policy area. Of necessity then urban land policy requires a national jurisdiction.⁵

A jurisdiction's degree of involvement in a policy area is not always self-evident. Urban land policy may be explicit; for example, the federal role in public land assembly through CMHC. But many provincial and federal activities in the regional development policy area implicitly are urban land policies. This paradox whereby implicit land policy often has been more effective than explicit land policy warrants further discussion in Chapter 3.

To be adequate an urban land policy (in this instance a group of policies with a strategy content) should possess certain characteristics.⁶ These characteristics include:

- a) purpose
- b) comprehensibility
- c) integration
- d) discrimination, and
- e) structure.

The purpose of an urban land policy is defined by a clear sense of problem and a set of public goals and objectives that depict a solution to the problem. A policy's comprehensibility will be determined by its ability to identify and encompass the factors impinging on the problem. It is a well recognized fact that urban land problems are highly interdependent. Thus policy should be able to integrate, in a more purposeful manner, separate public responses to urban land problems. However, the pursuit of integrated policy should not ignore the need for policy to discriminate between general and specific needs. Because there is no single ideal structure for policy making, both formal and informal institutions as well as individuals and interest groups can be expected to contribute to the formation of adequate policy.

This discussion of the conceptual nature of national urban land policy is neither exhaustive nor conclusive. Nevertheless the discussion provides us with criteria and a framework for describing and evaluating present urban land policy and for contemplating future policy. Figure 2 attempts to summarize this information.

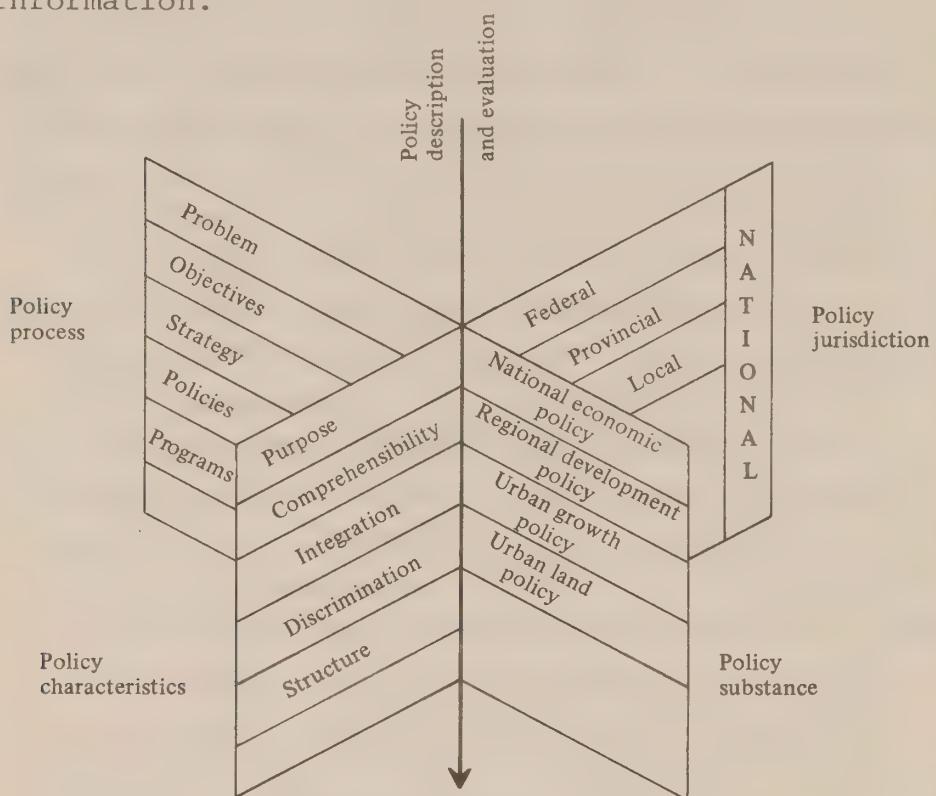


Figure 2 Policy dimensions

2.2 National urban land policy - the foreign experience

While interest in national urban land policy has existed in Canada for at least 60 years and perhaps longer we must look to other countries for concrete examples. The following review of the foreign experience is restricted by time and selective in choice.

2.2.1 United States

Sharing the same continent and a federal form of government that is at least superficially similar, and experiencing urban land problems the likes of which have yet to be appreciated by Canadians, the United States provides a rich record of national urban land policy experience. Although the roots of policy can be traced to the innovative work of the National Resources Planning Board during the 1930's substantial efforts were not evident until the mid-sixties when major national concern for regional development, urban growth, and urban land use emerged. It is not possible to trace this evolution in any detail - it is enough to attempt to summarize this evolution and underline the lessons for Canada.

As a result of a divisive "home rule" philosophy in the cities and the indifference of rurally dominated state legislatures the federal government has assumed increasing responsibility for urban land policy. Elements of this policy issue from the four substantive areas. Although its impact on urban land probably has been greatest, national economic policy remains, as always, naive and indifferent. It will not be discussed here. Regional development policy, epitomized by pre-World War T.V.A. and later by the Appalachian Regional Commission -- both areas linked to the outside world in the 1950's and '60's by the National Defense Highway System -- resulted in the movement of large numbers of people off the land and into metropolitan centres contributing to rapid urban growth. Intended originally to encourage place prosperity in the most depressed regions, the regional development program's limited success led to an interest in people prosperity in larger urban growth centres, with the tacit acceptance of the large internal population migrations currently taking place.

By the late 1960's a profound concern for the future of American cities had led to two antithetical urban growth strategies for attacking metropolitan problems. One strategy called for a new national settlement pattern involving industrial relocation, encouragement of out migration from the large cities, and a national network of new communities.⁷ The other strategy, closely associated with Daniel Moynihan, advisor on urban affairs to President Nixon, disregarded the national settlement pattern while stressing the need to:

- a) transform the poverty class to full citizenship and
- b) reform the structure of federalism so that state and local government could assume greater responsibility for their own problems.⁸

Other suggested strategies may be considered to incorporate one or more characteristics of these two strategies. At this time no single acceptable urban growth strategy has been isolated and legitimized by the federal or state governments. Perhaps in government's favour the costs of inaction are possibly offset by the gross mistakes foregone in not entering into a massive program of territorial resources reallocation -- particularly when our level of understanding concerning goals, priorities, and the functioning of the urban system is so disordered.⁹

Considerable interest in national urban land policy (the fourth substantive policy area) has arisen in the United States. Since 1970 Congress has debated several bills for a national land use planning act.¹⁰ Although these bills have varied in detail they have shared a common purpose: to encourage, through a program of federal grants and technical assistance, the development and implementation of comprehensive state land use plans. These plans would reflect the efforts of states to inventory and exercise

control over designated areas of critical environmental concern, key facilities, and large-scale development. Designated areas would have included floodplains, estuaries, scenic or historic areas, locations impacted by major airports, recreation sites, and highway interchanges; and large areas undergoing suburban or new communities development. The legislation was to be administered by the Secretary of the Interior, in consultation with Housing and Urban Development and the Environmental Protection Agency, through an Office of Land Use Policy Administration.

Opposition to these bills focused on the issue of state's rights; specifically the right of the federal government to become involved in land use planning, by tradition a state responsibility. Concern was also expressed over federal criteria for reviewing state compliance and federal financial sanctions where state compliance was lacking. Unfortunately, this innovative policy in its most recent form (H.R. 10294) died in the House during the waning month of the Nixon Administration.

Washington's search for better land control legislation has been paralleled by vigorous state efforts. Eleven states have enacted state-wide land use controls policy while in another 15 states proposed legislation has been submitted to the legislatures.¹¹

Recent state-wide land use control efforts can be grouped into two types; those based on the Hawaiian experience with comprehensive state zoning and those based on the critical areas/regional development approach.¹² With a tradition of strong centralized government Hawaii has evolved the strongest land controls policy of any state. The State Land Use Commission has zoned the entire state into one of four use classes; urban, rural, agricultural, or

conservation. This zoning policy is the heart of Hawaiian efforts to control the direction, pace, and overall intensity of future urban growth in order to promote more compact, contiguous development and to preserve agricultural land. Presently, Hawaii is preparing a general land use policy to be linked to a state growth policy, yet to be concluded.

The majority of the twenty-seven states possessing or attempting to enact state-wide land use controls policy are using the critical areas/regional development approach related to the previously-noted federal effort and drawing inspiration from the American Law Institute and its Model Land Development Code.¹³

Application of this approach varies from state to state.¹⁴

A superficial glance at urban affairs in the United States over the past few years understandably leaves one with a sense of confusion and scepticism. However, this nation is experiencing a fundamental change in its attitude toward land in general and toward urban land in particular. One observer of Congressional debate on national land use and development legislation was careful to point out that:

little discussion was directed to the question of whether or not a national land use policy was desirable; most witnesses acknowledged that such a policy was necessary, if not inevitable.¹⁵

The significant problems associated with relating policies for urban land, urban growth, and regional development to the obscure details of the national purpose, or with unravelling jurisdictional responsibilities, still remain. Yet, repeatedly, Americans have demonstrated their pragmatic ability to skirt philosophy that impedes problem solving.

2.2.2 Great Britain

Britain's three decades of effort to design and implement a national urban land policy, integrated with regional development and urban growth policies is unique in the non-Communist world. Because its successes have been offset by grave shortcomings it deserves comment here. Those policies more appropriately direct to national urban growth and regional development have been evaluated frequently elsewhere and thus will not be discussed.¹⁶

With the passage of the Town and Country Planning Act of 1947, Britain embarked upon an explicit national urban land policy aimed at tightly regulating the direction, pace, and intensity of urban development.¹⁷ The nationalization of development rights on raw land through fiscal controls has remained the elusive but persistent focus of this land policy.¹⁸ New towns and industrial location programs as part of the urban growth policy have been correlated with land policy.

A summary of the British accomplishments include the prevention of suburban sprawl, the establishment of permanent green belts around cities, compact (but not excessively dense) urban development, and the associated efficient provision of public services. In addition, these accomplishments have been realized without removing planning control from local government. Local government retains the responsibility for determining desirable population densities based upon national and regional forecasts, calculating five year urban land budgets, and designating land parcels to meet the forecasted requirements. Local plans are approved by the national planning authority.

The single, most important weakness in the British experience has been government's inability to control land prices, escalating at a rate four times that of North American land prices. In effect, British urban land policy has conferred monopoly powers to land owners on designated sites in spite of a series of capital gains, betterment, and hoarding taxes designed to make land speculation unprofitable.

The British experience with explicit urban land policy (in contrast to American implicit and fragmented land policy) should be of great interest to eclectic Canadians who have inherited and borrowed land ideology widely. Clearly, when the land planning system is tightly defined care must be taken to not restrict supply and to discourage speculation in land as a commodity through appropriate fiscal policy.

2.3 National urban land policy - the Canadian experience

2.3.1 National milestones

Those who examine a subject from afar often are capable of insights not available to the rest of us who work with a subject daily. Thus, it is understandable why many Canadians would prefer to look to the future and contemplate "what should be" rather than admit to "what is". Canadian urban land policy is a case in point. Over time there has evolved in Canada an implicit, complex, fragmented, and fundamentally powerful urban land policy that concerns all levels of government and properly can be designated a national urban land policy. It is not possible here to examine fully this rich history. But, on the presumption that the elements of a future national urban land policy already exist we will examine briefly this heritage.¹⁹

The first evidence of a concern for a national urban land policy can be traced back to the work of the Commission of Conservation during its existence between 1909 and 1921.²⁰ Created by an act of Parliament the Commission was charged with collecting and analyzing information on Canadian resources "...for the purpose of advising upon all questions of policy that may arise in reference to the actual administration of natural resources..."²¹ Matters concerning urban land policy were the responsibility of the Planning and Development Branch of the Committee on Public Health.

Throughout its existence the Planning and Development Branch worked to improve the new concept of urban planning through "educating public opinion..." and advancing "...uniform town planning legislation in Canada".²² The Commission's draft "Town Planning Act for Canada" became a model on which the provinces were encouraged to develop their own legislation.²³ A casual survey of the delivered papers and subsequent discussions at the Annual Meetings reveals an awareness, of urban land problems and the importance of cooperation and coordination of the three policy jurisdictions in developing national responses, that equals current wisdom.

The work of the Advisory Committee on Reconstruction provides a second milestone in the evolution of a national urban land policy. Formed during World War II to consider the problems of post-war recovery the Committee investigated a number of subjects; but none with greater perception and grasp than the subject of housing and community planning.²⁴ After examining the present and projected need for urban land planning the Committee concluded that the problem had gone beyond a mere local concern and should be:

expansion of the federal role in developing national urban land policy. Periodic revisions to the National Housing Act alone, to permit joint federal-provincial public housing, and land assembly, programs for urban renewal, and loans for sewage plants and trunk sewer lines, form a significant contributor to urban land policy evolution. Inputs have not been restricted to the housing and urban planning functions of CMHC. In particular, three new federal departments - Environment, Regional Economic Expansion, and Urban Affairs - have made important contributions during their brief existence. But more importantly they possess the collective authority to ensure that this urban land policy evolves in the national interest.

2.4 A critique

Previous discussion has examined a very few elements of Canadian national urban land policy from a federal perspective. It has been descriptive rather than evaluative. Here we will provide a limited critique of this policy, employing the policy dimensions diagram of Figure 3. There is no attempt to be exhaustive.

Within each of the four categories of policy substance one or more policy themes will be examined in the light of notions disclosed by the other three policy dimensions (policy characteristics, policy process, and policy jurisdiction). Policy characteristics will not be examined as a distinct dimension. Rather, they will appear during discussion following each policy process subheading. While the interdependence of policy jurisdictions has been acknowledged previously, this section concentrates on the federal policy jurisdiction.

2.4.1 Problems

It is useful to consider Canadian national urban land problems within the context of problems of size, growth, and decline.²⁸ Cities that are too big are experiencing congestion, environmental decay, inadequate supplies of open space, and the local balkinization of finances and decision making. Cities that are too small suffer and endemic scarcity of resources - especially managerial resources. Freedom of choice is restricted and dependency upon outside assistance is high. Cities experiencing population growth - particularly rapid growth - suffer a problem of cash flow and a commensurate indebtedness. Disruptions in the movement of goods and people and in the utilization of land persist. Less clearly, identifiable, it would seem that rapid change contributes to important psychic distress among those who bear the brunt of change. Cities experiencing population decline undergo a depreciation in their capital stock. A shrinking property tax base cannot continue to provide the types of services increasingly demanded by a dependent population of the old, the disabled, and the very young.

On the one hand this description of urban problems clearly suggests the existence of a scalar relationship between the growth and distribution of urban population. It illustrates the close inter-relationship between problems of regional development and urban growth. On the other hand it appears to permit no more than a Hobson's choice for policies directed to urban problems related to size and growth of population.

Closely identified with urban land problems is the intuitive concept of optimum city size. Presumably, there is an optimum population and growth rate for cities that if established would minimize urban land problems. This concept is strongly embedded in

Canadian policies for regional development, urban growth, and urban land and is implied by such terms as "growth centre", "new town", "satellite city", and "green belt". However, there is a growing body of empirical evidence to suggest that efforts to decentralize and limit growth may be counter-productive.²⁹ Average family income in Canada increases with city size.³⁰ Undue emphasis on the public costs of growth have slighted the real social benefits of growth. The subject of optimum city size is extremely significant for the urban land problem and it is too important to be dispelled with conventional wisdoms that lack solid theoretical and empirical support.

Cause and effect relationships between federal programs (constituting in part, a national urban land policy) and land use in Canadian cities have been well documented in the recent past.³¹ There is no useful purpose served by repeating the findings of this research or by contributing additional examples to a list that already is quite long. These relationships include the highly visible contributions of the National Housing Act to low density urban sprawl and of the Veterans' Land Act to the fragmentation of the cadastral map of the urban fringe. Less visible but equally important has been the impact of price supports for agriculture resulting in a technologically and managerially sophisticated farm industry and the consequent migration of thousands of farmers into Canadian cities. In the business sector tax credits have favoured large capital-intensive centres with rich industry-mixes over smaller "single-industry" communities.

In summarizing these cause and effect relationships it is appropriate to conclude that federal urban land policy has reinforced urban growth and its consequent land use patterns rather than repudiated this force

centralization versus decentralization of authority, public versus private property, conservation versus development, and many more. This conflict in values is best represented today by an array of contending economic and environmental objectives. Thus a government may promote two apparently conflicting objectives; increasing the supply of single family homes, and minimizing auto-induced congestion. Yet these conflicting objectives can perform an extremely useful service by revealing to us the inherent conflict in our own wants. To resolve this conflict we require an accounting system that can make explicit the negative externalities associated with the achievement of either objective. Because this accounting system does not yet exist, urban land policy makers will be as much perplexed with clearly stated objectives as they were when working with less tangible goals.

2.4.2 Strategies and policies

One student of urban land policy has claimed that:

Specific urban land programs may be - can be - adopted... but strategy in the sense of a number of programs carefully coordinated and integrated to a well thought-out and well-articulated goal, may be simply too much for legislative bodies or large units of government.³⁵

Perhaps this quote is even more valid when coordination and integration among multiplicity of departments and jurisdictions is required. Successful coordination and integration are inversely related to complexity of government structure. Yet, writing on the subject of urban growth strategies Rodwin has stated that effective strategies can be generated if two conditions are met: the problem must be recognized as critical and it must appear capable of solution.³⁶ Abstract issues do not stir governments to action.

Only when issues become highly visible and persistent are governments inclined to formulate remedial policies and programs and institute structural reforms to administrative machinery. The recent shift of urban land problems from abstract to tangible status is at least one reason for optimism. Efforts on the part of federal agencies to hasten this transformation can be a powerful strategy in itself.

Having reviewed the concept of national urban land policy and then examined the foreign and domestic application of this concept we will now turn to Part III where the elements of a new national urban land policy are examined.

3 Elements of a national urban land policy

Canadian policy that is designated as being "national" bears a heavy emotional burden before its critics. A national urban land policy is expected to reveal a singleness of purpose, to be wholistic in content, and to reveal a symmetry of form and function. The analogy of a stone arch with its interlocking blocks, each contributing to the unity and purpose of the whole while maintaining a separate identify is appropriate. Canadian experience indicates that this form of national policy is not realistic nor is it a necessary precondition for the solution of urban land problems.

It is important to consider urban land policies within a time dimension. Figure 4 provides an example of the relationship of policies and objectives along a means-end continuum.³⁷ Specific, short range policies and objectives become more comprehensive as the time period lengthens. Policies and objectives are linked together along a means-ends continuum. An objective in one time period becomes a higher order policy in a longer time period.

It is beyond the scope of this paper to attempt to treat the various policies suggested below in this temporal framework. However, such an attempt might be very useful because the integration of means and ends within a temporal framework is itself a powerful strategy.

Any discussion of policy formulation should involve implementation as a concurrent consideration. Obviously, the relationship is recursive, with policy type effecting choice of implementation, and availability of implementation powers influencing types of policies considered. Policies discussed here are organized into one of five broad categories of implementation: These include

- a) the police power,
- b) fiscal and monetary powers

- c) proprietary powers
- d) persuasive powers and
- e) general powers.

The fifth category is intended to include policies that, because of their breadth, do not fit properly into one of the other categories, or that are of an administrative and procedural rather than substantive nature.

3.1 General powers

Over the passage of time urban land problems have been exacerbated as a result of omission and disregard. Senior governments have concerned themselves with aspects of land - housing, mass transit, industrial location, regional parks - but have failed to bring forward a more encompassing statement on objectives of and policies for urban land. It is recommended that a federal land act be prepared and that the federal government, together with the provincial governments work together to make this act truly national in scope. This national land act should contain a clearly identified urban component or a subsidiary act for urban land should be prepared. The national land act would serve a useful purpose as much by its spirit and intent as by its actual phrasing and subject matter. The American experience with national land use legislation or the experience of several states with land use development plans provide a wealth of specific material for consideration.³⁸

The creation of a national land act (with an urban component) or a separate national urban land act will require a single organization to fulfill the federal responsibilities for urban land policy making and planning, to issue guidelines and standards, to coordinate planning grants assistance programs

Table 2 Means-ends continuum

Time period	Policies	Objectives
Short range 1-2 years	<ul style="list-style-type: none"> - Control land speculation via specific tax instruments. - Increase flexibility of planning controls and streamline development approval process. 	<ul style="list-style-type: none"> - Increase immediate supply of land and reduce its price for public and private needs.
Medium range 3-7 years	<ul style="list-style-type: none"> - Public land acquisition - Creation of a government pre-emptive land purchase program 	<ul style="list-style-type: none"> - Government is the major participant in land assembly and development.
Long range 8 years or more	<ul style="list-style-type: none"> - Government land development corporation formed 	<ul style="list-style-type: none"> - Nationalization of raw land on the urban fringe

administered by federal departments, and to administer the act itself. The success of this agency will depend on its authority to perform the above functions. Interagency committees, lacking a single executive authority are not likely to be adequate to the task.

In the next decade we can anticipate fundamental changes in the process of urbanization. Our current awareness of urbanization problems experienced since World War II are not likely to provide adequate parameters for future policy making. Problems peculiar to a stationary population and economy will prevail. The population will both age and achieve greater affluence. Current policies for decentralizing growth and building free standing new towns will become impractical as will the scale economies of well planned larger cities become more evident. It is suggested that the current land problems in our largest metropolitan areas be solved within their present areal boundaries.

Federal-provincial cooperation will be a key to the success of a national urban land policy. Therefore, mechanisms to facilitate an exchange of ideas are in order. A permanent advisory body of provincial representatives, with staff support, is needed to work with the federal agency responsible for administering the act. Canada has had much experience in this field. Organizations such as the Commission of Conservation, the Advisory Committee on Reconstruction and the Council of Resource Ministers should be examined for possible relevance.

Previously, in this paper, the writer has pointed to the power of implicit urban land policy. Can urban land policy objectives be attained through implicit policy? Clawson has claimed that a direct attack on poverty probably would have more influence on urban land in the United States than any other policy, implicit or explicit.³⁹ It would be well

for urban land policy makers to explore the impact of social policy, such as a guaranteed minimum income, on the physical structure of urban areas. Unforeseen spatial consequences of this policy might well provide urban planners with welcome support and might even suggest to them advantageous policy coalitions.

3.2 Police power

A broadly defined power invested in government to protect the public health, safety, and welfare of citizens, the police power provides the legal authority for urban planning. Except where the federal government is the land owner, this authority rests with the provinces. Nevertheless, the federal government could make important contributions to provincial exercising of this power.

The federal government, with all means at its disposal, should encourage each province to prepare a structure plan that expresses the overall development strategy for the province. This plan should express the social, economic, and environmental objectives of the province and should specify the policies and programs to be employed to achieve these objectives.⁴⁰

The federal government could make a vital contribution to provincial land use policy by employing its expertise to identify areas of critical environmental concern impacted areas, and large scale developments. In urban regions these critical areas might include waterfronts and rivers, broad urban airsheds, and the urban fringe.⁴¹ Areas impacted by major facilities include military bases, airports, harbours, and penitentiaries. Large scale developments might include downtown urban renewal sites, railroad relocations, sewage treatment

facilities, larger land assemblies, and new towns. It is quite likely that federal financing would be involved in each of these last examples.

3.3 Fiscal and monetary powers

Through its control of fiscal and monetary powers the federal government can exert great leverage on urban land use. But these powers must be used with care lest one purpose of national significance be distorted in order to achieve another.

However, one urban land problem warrants the use of this power. Public and private imperfections in the Canadian Urban land market have been well documented.⁴² Because of these imperfections, land prices - particularly on the urban fringe - have risen well above production costs. This has created shock waves that have disrupted many other dimensions of the urban system. Urban land has become a target for excessive speculation and it has attracted large amounts of foreign investment capital.⁴³ The federal government should explore with the provinces ways of deflating speculative activities in the urban land market. In addition to the conventional fiscal and monetary measures at hand, new measures such as the Foreign Investment Review Act would seem relevant to the problem.

The urban price system for land has encouraged the dispersal of industry throughout the metropolitan region resulting in a poor relationship between jobs and residences. The cost of government of subsidizing commuting is very high now and is expected to be much higher in the future as the scarcity of fossil fuels increases. The federal government could play a very useful role by assisting the provinces in manipulating the cost and supply of land directly through the interest rates on

mortgage money and through industrial tax incentives.

3.4 Proprietary powers

The federal government is a major landlord in Canadian cities.⁴⁴ Its attitude toward this land, to a considerable degree, can influence for the better our current land problems. Too often in the past municipal and provincial planners have had to treat these properties as foreign enclaves beyond their sway. When they plan for these properties the federal government should give the provinces and municipalities an opportunity for full consultation.

Given the current imperfections in the urban land market the federal government should take every opportunity to participate through direct land assembly, and the financing of other government activities. Active government competition with the private sector for land on the urban fringe may discourage restrictive practices among private firms and thus contribute to an improved market.

However, the European experience with land development suggests that private development of fringe land is not compatible with public planning.⁴⁵ It is reasonable to expect the federal and provincial roles in urban land development in Canada to increase considerably in the future. The federal government should examine all means of land acquisitions available to it.⁴⁶

3.5 Persuasive powers

Through its ability to prod, inspire, and finance junior governments the federal government has at hand a wide range of persuasive powers that may be equally as effective as other powers previously

noted. These persuasive powers should be used more fully to achieve national land use policy.

Applied research is a case in point. There are many research activities that could best be performed by that unit of government having the broadest perspective on Canadian land use problems. With advice from provincial planners the federal government might consider preparing a model provincial structure plan and the appropriate enabling legislation to encourage and foster its preparation in the several provinces.

This model plan should require subservient urban plans to:

- a) protect natural resources from depletion
- b) require that the intensity of land use be related to the area's ultimate carrying capacity, and
- c) require that urban expansion be staged so that interim land use intensities do not exceed interim carrying capacity.

The federal government has had considerable experience in the development of standards - note the National Building Code. Standards for land resource use and environmental quality are needed desperately. Federal research might develop a calculus for internalizing within the price system the costs of those externalities resulting from urban development.

These costs and the appropriate remedial calculations should be devised nationally in order to prevent regional inequities.

Observers of the urban land market have noted the poverty of reliable information. No market can function freely without easy access to accurate and up-to-date property transaction information. The federal government might prepare statistical series for uses, values, transactions, and ownership of urban land. These data would be readily available to the general public.

After many years of rigid, unimaginative application land use controls are undergoing modification. New techniques are being discussed and applied; these include development controls, "floating" zones, transfer of development rights, and staging plans. There does not appear to be an effort on the part of any one government to examine, apply, evaluate, and modify these techniques. The federal government could examine these techniques as employed beyond and within Canada, and then bring their findings to the attention of the provinces for possible application.

This completes our review of potential elements for a national urban land policy. There has been no attempt to organize these recommendations into a coherent policy framework. That is left for a time when national problem concerns and objects are in clearer focus. We will now turn to Part IV to conclude the paper.

Guided by three broadly defined objectives, this paper has attempted to provide a better understanding of the nature and purpose of a national urban land policy. To this end it has examined, in some depth, the underlying concept in theory and practice and then it has suggested a number of policy elements for federal consideration.

After examining the nature of urban land problems, the causes of these problems, and the past and present posture of the federal government toward these problems, the writer concludes that the federal government must support and make a major contribution to the creation of a national urban land policy. Foreign and domestic experience will each contribute substantially to this policy.

Present Canadian urban land policy is criticized for its failure to comprehend important relationships between size, growth, and decline of Canadian cities and the relationship of these processes to urban land problems. The distinction between Canada's present approach to urban land policy and a possible future wholistic policy is noted.

A national urban land strategy, as a set of carefully coordinated and integrated policies for remedying urban land problems is not likely to be attainable within our federal system. But the recent, heightened visibility of land problems, and the inherent flexibility of the federal system to meet these problems are reasons for hope.

A future national urban land policy should be expressed in a temporal, means-ends framework. Such expression will be extremely difficult, and no doubt therapeutic, considering our present limited substantive understanding.

A number of recommendations for consideration by the federal government are presented. Among these are the need for a national urban land act and the related administrative machinery. A body for

federal-provincial coordination of the Act, and the need for a model provincial structure plan. The federal government is urged to use its powers to rehabilitate or replace the poorly functioning urban land market. A review of the entire set of recommendations suggests that federal government leadership will be a necessary precondition if effective urban land policy is to be realized.

Notes

- 1 Hans Blumenfeld, "The Rational Use of the Urban Space as National Policy", in Urban Planning in Transition, ed. by E. Erber (N.Y.: Grossman, 1970), p. 88.
- 2 N.A. Lithwick, Urban Canada: Problems and Prospects, (Ottawa: CMHC, 1970), p. 169.
- 3 Two reports, not specifically concerned with urban land policy, do present aspects of its complexity. See Michael Dennis and Susan Fish, Programs in Search of a Policy, (Toronto: Hakkert, 1972), and Lithwick, Urban Canada.
- 4 "Special Issue: National Urban Policy", Plan Canada XII (July, 1972).
- 5 The nature of the involvement by jurisdiction and the degree of interrelationship among policy areas is examined in more detail in Part III.
- 6 These characteristics are drawn from Lithwick, Urban Canada, pp. 170-173; Raymond A. Bauer, "The Study of Policy Formation: An Introduction", in The Study of Policy Formation, ed. by R.A. Bauer and K.J. Gergan (N.Y.: The Free Press, 1968), pp. 11-20; and Economic Council of Canada, Eighth Annual Review, Design for Decision-Making (Ottawa: Information Canada, 1971), pp. 17-34.
- 7 The most thoughtful expression of this strategy is found in, Advisory Commission on Inter-governmental Relations, Urban and Rural America: Policies for Future Growth (Washington: ACIR, 1968).
- 8 Daniel P. Moynihan, ed., Toward A National Urban Policy (New York: Basic Books, 1970), pp. 3-25.
- 9 This unpopular view is shared by a growing number of Urban growth students in the United States. See. W. Alonso, Problems, Purposes, and Implicit Policies for a National Strategy of Urbanization (Berkeley: Institute of Urban and Regional Development, 1971); and L. Wingo, "Issues in a National Urban Development Strategy for the United States" Urban Studies IX (February, 1972), 3-27.
- 10 A summary of this proposed legislation's progress may be obtained from, Norman Beckman, "National Urban Growth Policy: 1973 Congressional and Executive Action", Journal, American Institute of Planners, XXXX (July, 1974), 235-236; and A.L. Massoni, "National Land Use Bill Killed Again

This Year", AIP Newsletter, IX (July, 1974), 1, 6.

- 11 J.B. Coffin, ed. "A Summary of State Land Use Controls", Land Use Planning Reports, No. 2 (July, 1974).
- 12 Some of these efforts are reviewed in F. Bosselman and D. Callies, The Quiet Revolution in Land Use Controls (Washington: Council on Environmental Quality, 1972).
- 13 The A.L.I.'s "Code" has breathed new life into traditional land use controls theory in the United States. For a useful review see American Society of Planning Officials, Land Use Controls Annual, 1971 (Chicago: A.S.P.O., 1972).
- 14 A description of four types of application is presented in J. Frank, "The Renaissance in Land Use and its Role in the Solution of Environmental Problems", Journal of Environmental Systems III (Fall, 1973), 171-187.
- 15 Norman Beckman, "National Urban Growth Policy", 236.
- 16 For an excellent review see Lloyd Rodwin, Nations and Cities: A Comparison of Strategies for Urban Growth (Boston: Houghton Mifflin Co., 1970), pp. 107-155.
- 17 This experience is examined in Marion Clawson and Peter Hall, Planning and Urban Growth: An Anglo-American Comparison (Baltimore: Johns Hopkins Press for Resources for the Future, 1973).
- 18 See L.R.G. Martin, "Problems and Policies Associated with High Land Costs on the Urban Fringe", The Management of Land for Urban Development (Ottawa: CCURR, 1974), 20-21.
- 19 To attempt to delineate and interpret the role of even the federal government alone in the evolution of a national urban land policy is well beyond the scope of this paper. Surely it would involve an examination of the unfolding of objectives, policies, and programs for a dozen or more departments of government. Therefore, we will limit ourselves to commenting on several events that, in retrospect, added great substance to the concept of a national urban land policy. See J.W. MacNeill, Environmental Management (Ottawa: Information Canada, 1971), Appendix 4, for an indication of diversity and complexity of federal involvement

in urban land use.

- 20 The work of this remarkable body can be traced through its reports, Commission of Conservation, Annual Reports (Ottawa: King's Printer, 1910-1919), and C. Ray Smith and David R. Witty, "Conservation, Resources and Environment: The Commission of Conservation, Canada", Plan Canada XI (Dec., 1970), 55-71, and (May, 1972), 198-216.
- 21 Commission of Conservation, Report of the First Annual Meeting, 1910 (Ottawa: King's Printer, 1910), 3.
- 22 Commission of Conservation, Report of the Eighth Annual Meeting, 1917 (Ottawa: King's Printer, 1917), 96.
- 23 The Commission also worked to establish a model Housing Act for submission to the provincial legislatures.
- 24 Final Report of the Subcommittee, Housing and Community Planning, Advisory Committee on Reconstruction, March 24, 1944, C.A. Curtis, Chairman (Ottawa: King's Printer, 1946).
- 25 Final Report, p. 166.
- 26 Final Report, p. 9-10.
- 27 Final Report, pp. 16-17.
- 28 This classification is employed by Alonso, Problems, Purposes, and Implicit Policies, p. 5.
- 29 See W. Alonso "The Economics of Urban Size", Papers, Regional Science Association XXVI (1970), 67-83; and Wingo, "Issues", 25-26.
- 30 J.R. Podoluk, Incomes of Canadians, 1961 Census Monograph (Ottawa: Statistics Canada, 1968), p. 1974.
- 31 Dennis and Fish, Programs in Search of a Policy; Lithwick, Urban Canada, pp. 200-210; MacNeill, Environmental Management, Appendix 4; John V. Punter, The Impact of Exurban Development on Land and Landscape in the Toronto-Centred Region, 1954-1971, Report submitted to the Policy and Planning Division (Ottawa: CMHC, 1974).
- 32 Because of the intergovernmental nature of many federal programs it is probably fair to substitute "national" for "federal".

33 Lithwick, Urban Canada, p. 37.

34 Economic Council of Canada, Fourth Annual Review, The Canadian Economy From the 1960's to the 1970's (Ottawa: Queen's Printer, 1967), pp. 2-8; and Canada Year Book, 1968 (Ottawa: Dominion Bureau of Statistics, 1968).

35 Marion Clawson, "The Meaning of Urban Land Strategy", Proceedings of the 1969 Biennial Congress of the Lambda Alpha International Fraternity (Washington, 1969), p. 23.

36 Lloyd Rodwin, "Urban Growth Strategies Reconsidered", in Growth Centres in Regional Economic Development, ed. by N.M. Hansen (New York: The Free Press, 1972), p. 2.

37 The construction of Figure 4 was stimulated by D.M. Ray and P.Y. Villeneuve, "Population, Growth and Distribution in Canada: Problems Processes and Policies", The Management of Land for Urban Development (Ottawa: CCURR, 1974), p. 55.

38 For one very ambitious effect see: New York State, New York State Development Plan (Albany: Office of Planning Coordination, 1971).

39 Clawson, "The Meaning of Urban Land Strategy", p. 26.

40 Goaded by criticism in a report of the Ontario Economic Council, the Treasurer of Ontario announced recently that a "rudimentary" provincial plan was in preparation. Globe and Mail, October 23, 1974. The report mentioned is; Ontario Economic Council, Subject To Approval: A Review of Municipal Planning in Ontario (Toronto: O.E.C., 1973).

41 The federal government's interest in these critical areas presently is sustained through the National Harbours Board, Department of Environment, CMHC, and other agencies.

42 Dennis and Fish, Programs, p. 321; Martin, "Problems and Policies", pp. 10-13.

43 L.R.G. Martin, Foreign Investment in Canadian Urban Land: A Review of Problems, Policies, and Needed Research, Report submitted to Priorities and Planning, MSUA, May 31, 1974, pp. 11-12.

44 Lithwick, Urban Canada, p. 210; MacNeill, Environmental Management, appendix 3.

- 45 See G.M. Neutze, The Price of Land and Land Use Planning: Policy Instruments in the Urban Land Market (Paris: OECD, 1973).
- 46 The conferring of expropriation powers to private developers and the employment of pre-emptive purchase powers are just two tools of potential interest.

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